



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग एक-मध्य उप-विभाग

वर्ष २, अंक १५]

मंगळवार, मे ३, २०१६/वैशाख १३, शके १९३८

[पृष्ठे २०, किंमत : रुपये ४.००

असाधारण क्रमांक १५

प्राधिकृत प्रकाशन

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 2nd May 2016

### NOTIFICATION

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No. TPS. 1813/3067/CR-492/13/MCORP/12/UD-13.—Whereas, the lands reserved for public amenities, social facilities and utilities in the Development Plans (hereinafter referred to as *the said Development Plan*) of the Municipal Corporations (hereinafter referred to as *the said Planning Authorities*) prepared and sanctioned under the provisions of Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as *the said act*) shall be regulated by allowing owner for development subject to certain conditions under *Accommodation Reservation Principle* ;

And whereas, most of the ***Municipal Corporations*** have the provisions of ***Accommodation Reservation Principle*** in their sanctioned ***Development Control Regulations***. (hereinafter referred to as ***the said Regulations***) ;

And whereas, in view of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, it is necessary to allow the fair compensation for the lands reserved for public amenities, social facilities and utilities in the Development Plans prepared under the provisions of Maharashtra Regional and Town Planning Act, 1966 by granting *Transferable Development Rights* and by allowing owner for development subject to certain conditions under *Accommodation Principle* ;

And whereas, in view of the above, Government felt necessary to reform the existing regulations of *Transferable Development Rights and Accommodation Principle* (hereinafter referred to as *the said Regulations*) and for that purpose a Study Group was formed to examine the provisions of the newly enacted Land Acquisition Act & to suggest the reformation in the present said regulations of *Transferable development rights and Accommodation Principle* ;

(१)

And whereas, after considering the report and in view of recommendation of the Study Group, the Government of Maharashtra is satisfied that in the public interest it is necessary to incorporate urgently a comprehensive revised regulation in respect of *Transferable Development Rights and Accommodation Principle* in the sanctioned Development Control Regulations of the respective said Planning Authorities replacing all the said existing regulations of *Transferable Development Rights and Accommodation Principle* (hereinafter referred to as *the proposed modification*) ;

And whereas, pursuant to the above and in exercise of the powers conferred by Clause (a) of sub-section (1AA) of Section 37 of the said act and all other powers enabling in that behalf, the Government of Maharashtra has published a notice bearing No. TPS. 1813/3067/CR-492/MCORP/13/UD-13, dated 30th April 2015 which appeared in the *Maharashtra Government Gazette*, dated 7th to 13th May 2015 on page No. 10 to 22 for inviting objections and suggestions upon *the said proposed modifications* from the general public and concerned Joint Director of Town Planning of the division was authorized as an Officer (hereinafter referred to as *the said Officer*) to give hearing and submit his report to the Government ;

And whereas after receiving and considering the reports submitted by the concerned said Officers and consulting the Director of Town Planning M. S. Pune, the Government of Maharashtra has sanctioned the proposed modifications in respect of “*Transferable Development Rights*” for the Municipal Corporations as mentioned in Notification No TPS. 1813/3067/CR-122/MCORP/12/UD-13, dated 28th January 2016 and TPS. 1813/3067/CR-122/MCORP-Kokan/12/UD-13, dated 29th January 2016 (excluding Municipal Corporations of Greater Mumbai) *pending* decision on ***Accommodation Reservation Principle*** ;

And whereas after receiving and considering the reports submitted by the concerned said Officers and consulting the Director of Town Planning M. S. Pune, the Government of Maharashtra is of the opinion that the proposed modifications in respect of “***Accommodation Reservation Principle***” as mentioned in ***ANNEXURE AR*** should be sanctioned with certain modifications for the said Planning Authorities as mentioned in ***ANNEXURE A*** ;

Now therefore, in exercise of the powers conferred by Clause (c) of sub-Section (1AA) of Section 37 of the said act and all other powers enabling in that behalf, the Government of Maharashtra, in supersession with all existing regulations of *Accommodation Principle*, finally sanctions the said proposed modifications with certain changes in respect of “***Accommodation Reservation Principle***” as mentioned in ***ANNEXURE AR*** for the said Planning Authorities as mentioned in ***ANNEXURE A*** attached herewith;

2. This notification shall be kept open for inspection to the general public in the following offices for the above period on all working days :—

- (i) Office of the Director of Town Planning, M. S. Central Building, Pune ;
- (ii) Office of the Joint Director of Town Planning, Pune, Nashik, Nagpur, Kokan Aurangabad, Amravati Division ;
- (iii) Commissioner Municipal Corporation.

This notice shall also be made available on the Government website [www.maharashtra.gov.in](http://www.maharashtra.gov.in)  
(कायदे/नियम)

*ANNEXURE-A*

Serial No. (1)	Name of Municipal Corporation (2)	Name of the Division (3)
1	Brihan Mumbai	Kokan Division
2	Thane	
3	Kalyan-Dombivali	
4	Vasai-Virar	
5	Mira-Bhayander	
6	Ulhasnagar	
7	Bhiwandi-Nijampur	
8	Pune	Pune Division
9	Pimpri-Chinchwad	
10	Solapur	
11	Kolhapur	
12	Sangli-Miraj-Kupwad	Nagpur Division
13	Nagpur	
14	Chandrapur	
15	Nashik	Nashik Division
16	Ahmednagar	
17	Jalgaon	
18	Dhule	
19	Malegoan	
20	Aurangabad	Aurangabad Division
21	Nanded-Vaghala	
22	Latur	
23	Parbhani	Amaravati Division
24	Amravati	
25	Akola	

*APPENDIX AR*

ACCOMMODATION RESERVATION

**MANNER OF DEVELOPMENT OF RESERVED SITES IN DEVELOPMENT PLAN  
(ACCOMMODATION RESERVATION PRINCIPLE)**

The use of land situated within the Municipal limit which has been reserved for certain purpose in the Development Plan shall be regulated in regard to type and manner of development/redevelopment according to the provisions mentioned in following Table.

When owner is allowed to develop the reservation, he should have exclusive ownership/title of the land without any restriction under any other Act or regulation in force.

Reservation (1)	Person/Authority who may acquire/ develop (2)	Principle for Development through Accommodation Reservation subject to development is permissible (3)
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**(1) Recreational —**

1.1 Open reservations like Planning Authority/  
Garden, Play Ground, Appropriate Authority/  
Children PG, Open Space, Owner.  
Recreation Ground Park,  
Park etc.

Planning Authority may acquire the land and develop the same for the purpose. The ancillary users like indoor games, public toilet, changing Rooms, gymnasium, canteen, sport shop, meditation, yoga hall, may be allowed at one corner/side of the reservation subject to condition that maximum built-up area for such user shall be 15%, out of which maximum 10% shall be allowed on ground floor and remaining on first floor.

However, if the Land under reservation is owned by any Government agency / Authority, in such cases the Planning Authority may allow such Government agency/Authority to Develop full reservation for the said purpose subject to condition as may be decided by the Commissioner and such Developed Amenity shall be open to the general Public.

*OR*

The Commissioner may allow the owner to develop the reservation on 70% of the land and after handing over it to the planning authority free of cost then remaining 30% land may be allowed to be developed as per adjoining use subject to following terms/conditions :—

(i) The owner shall be entitled to develop remaining 30% land for the uses permissible in adjoining zone with full permissible FSI of the entire Plot and permissible TDR potential of the entire Plot.

(ii) The Municipal Commissioner, if required, shall allow the TDR for the unutilised FSI if any (after deducting in-situ FSI as mentioned in Sr. No (i) above) which shall be utilised as per the TDR utilisation regulations.

(iii) No reservation shall allow to be developed partly.

(1)	(2)	(3)
1.2 Stadium, Sport Complex, Recreational Center etc.	Planning Authority/ Appropriate Authority.	Planning Authority / Appropriate Authority shall acquire the land and develop the same for the purpose.
1.3 Swimming Tank/ Swimming Pool.	Planning Authority/ Appropriate Authority/ Owner.	The Planning Authority/ Appropriate Authority may acquire and develop the site for the same purpose. <i>OR</i> The Planning Authority/ Appropriate Authority after acquiring the land or after acquiring and developing the same, as the case may be, lease out as per the provisions of the Municipal Corporations Act, to the Registered Public Institution for developing and running <i>or only for running</i> the same. <i>OR</i> The Owner may be allowed to develop according to the designs; specifications and conditions prescribed by the Municipal Commissioner and run the same.
<b>(2) Public Utilities—</b> (a) Cremation Ground, (b) Burial Ground, (c) Slaughter House, (d) Sewerage Treatment Plant, (e) Water Treatment Plant, (f) Water Tank	Planning Authority/ Appropriate Authority.	(2) The Planning Authority/ Appropriate Authority shall acquire the land and develop the reservation for the same purpose.
<b>(3) Commercial Utilities—</b> <b>(3.1) Market and Mandies—</b> (a) Weekly Market/ (b) Vegetable Market) (c) Open Market. (d) Hawkers Market  <b>(3.2) Shopping centers—</b> (a) Shopping Center, (b) Commercial Complex, (c) Municipal Market (d) Fish Market etc.	Planning Authority/ Appropriate Authority/ Owner.	The Planning Authority/ Appropriate Authority shall acquire the land and develop the reservation for the same purpose. <i>OR</i> (i) The Commissioner may allow the owner to develop the reservation, subject to handing over to the Planning Authority 40 % independent plot along with 50% constructed amenity of total area free of cost in lieu of construction amenity TDR as per general Regulation No. (iii) mention below & as per norms prescribed by Municipal Commissioner. (ii) The owner shall be entitled to develop remaining 60% land for the uses permissible in adjoining zone with full permissible FSI of the entire Plot and permissible TDR potential of the entire Plot.

(1)	(2)	(3)
<b>(4) Health Facility</b> (a) Health Center (b) Dispensary (c) Maternity Home (d) Veterinary Hospital/ Clinic (e) Urban Health Center (f) Rural Hospital and like.	Planning Authority/ Appropriate Authority/ Owner.	<p>(iii) The Municipal Commissioner, if required, shall allow the TDR for the unutilised FSI if any [after deducting in-situ FSI as mentioned in Sr. No. (ii) above] which shall be utilised as per the TDR utilisation regulations.</p> <p>(iv) Reservation shall allowed to be developed in parts.</p> <p>The Planning Authority / Appropriate Authority may acquire and develop the reservation site for the same purpose.</p> <p style="text-align: center;"><i>OR</i></p> <p>(i) The Commissioner may allow the owner to develop the reservation, subject to handing over to the Planning Authority 40% independent plot along with 50% constructed amenity of total area free of cost in lieu of construction amenity TDR as per general Regulation No. (iii) mention below &amp; as per norms prescribed by Municipal Commissioner.</p> <p>(ii) The owner shall be entitled to develop remaining 60% land for the uses permissible in adjoining zone with full permissible FSI of the entire Plot and permissible TDR potential of the entire Plot.</p> <p>(iii) The Municipal Commissioner, if required, shall allow the TDR for the unutilised FSI only [after deducting in-situ FSI as mentioned in Sr. No. (ii) above] which shall be utilised as per the TDR utilisation regulations.</p> <p>(iv) Reservation shall be allowed to be developed in parts.</p>
<b>(5) Transportation –</b> 5.1 ) Depots and Stands- (a) Bus Stand (b) Bus Depot etc. (c) Metro Car Shed (d) MRTS Station (e) PMPML.	Planning Authority/ Appropriate Authority/ Owner.	<p>The Planning Authority / Appropriate Authority may acquire and develop the <i>reservation</i> site for the same purpose.</p> <p style="text-align: center;"><i>OR</i></p> <p>(i) The Commissioner may allow the owner to develop the reservation, subject to handing over to the Planning Authority 50% independent plot along with 50% constructed amenity of total area free of cost in lieu of construction amenity TDR as per general Regulation No. (iii) mention below &amp; as per norms prescribed by Municipal Commissioner.</p>

(1)	(2)	(3)
<b>(5.2) Roads—</b> Proposed Development Plan Roads / Road widening.	Planning Authority/ Appropriate Authority.	<p>(ii) The owner shall be entitled to develop remaining 50% land for the uses permissible in adjoining zone with full permissible FSI of the entire Plot and permissible TDR potential of the entire Plot.</p> <p>(iii) The Municipal Commissioner, if required, shall allow the TDR for the unutilised FSI if any [after deducting in-situ FSI as mentioned in Sr. No. (ii) above] which shall be utilised as per the TDR utilisation regulations.</p> <p>(iv) Reservation shall not be allowed to be developed in parts.</p> <p>The Planning Authority/Appropriate Authority shall acquire the land and develop the reservation for the same purpose.</p>
<b>(5.3) Parking -</b>	Planning Authority/Appropriate Authority Owner.	<p>(i) The Planning Authority/ Appropriate Authority may acquire and develop the site for the same purpose.</p> <p style="text-align: center;"><i>OR</i></p> <p>(ii) The Planning Authority/ Appropriate Authority after acquiring the land or after acquiring and developing the same, as the case may be, lease out as per the provisions of the Municipal Corporations Act, to the Registered Public Institution for developing and running or only for running the same.</p> <p style="text-align: center;"><i>OR</i></p> <p>The Owner may be allowed to develop parking space according to the designs, specifications and conditions prescribed by the Municipal Commissioner subject to handing over of constructed parking area equal to double the reservation area, to Planning Authority free of cost subject to condition that,</p> <p>(i) The operation and the maintenance of the facility will be decided by Municipal Commissioner.</p> <p>(ii) Parking spaces may be in basement or on stilts or on first/second floor with separate entry &amp; exit.</p> <p>After handing over the above said parking area to the Planning Authority, the owner shall be entitled to construct with full permissible FSI of the entire Plot and permissible TDR potential of the entire Plot for other permissible user in that zone .</p>

(1)	(2)	(3)
<b>6 ) Educational –</b> (a) Primary School (b) High School. (c) College	Planning Authority/Appropriate Authority/ Registered Public Educational Institution Trust / Owner.	<p>(iii) The Municipal Commissioner, if required, shall allow the TDR for the unutilised FSI if any [after deducting in-situ FSI as mentioned in Sr. No. (ii) above] which shall be utilised as per the TDR utilisation regulations.</p> <p>The Planning Authority/Appropriate Authority may acquire and develop the site for the same purpose. The Planning Authority/ Appropriate Authority after acquiring land or after acquiring and constructing the building on it, as the case may be, lease out the same as per the provisions of the Municipal Corporations Act, to the Registered Public Educational Institution trust for developing and running or only for running the same.</p> <p style="text-align: center;"><i>OR</i></p> <p>The owner may be allowed to develop the reservation for the same purpose. The Registered Public Educational Institution trust on behalf of owner may be allowed to be develop subject to terms / conditions as prescribed by the Planning Authority.</p> <p style="text-align: center;"><i>OR</i></p> <p>(i) The Commissioner may allow the owner to develop the reservation, subject to handing over to the Planning Authority 50% independent plot along with 50% constructed amenity of total area free of cost in lieu of construction amenity TDR as per general Regulation No. (iii) mention below &amp; as per norms prescribed by Municipal Commissioner.</p> <p>(ii) The owner shall be entitled to develop remaining 50 % land for the uses permissible in adjoining zone with full permissible FSI of the entire Plot and permissible TDR potential of the entire Plot.</p> <p>(iii) The Municipal Commissioner, if required, shall allow the TDR for the unutilised FSI if any (after deducting in-situ FSI as mentioned in Sr. No. (ii) above) which shall be utilised as per the TDR utilisation regulations. Provided that the area of reservation to be handed over shall not be less than norms decided by the Education Department.</p>



(1)	(2)	(3)
(d) Educational Complex	Planning Authority/ Appropriate Authority/ Land Owner	<p>(iv) Reservation shall not be allowed to be developed in parts.</p> <p>The Planning Authority/ Appropriate Authority may acquire and develop the site for the same purpose.</p> <p><i>OR</i></p> <p>The Planning Authority/ Appropriate Authority after acquiring land or after acquiring and constructing the building on it, as the case may be, lease out the same as per the provisions of the Municipal Corporations Act, to the Registered Public Educational Institution Trust for developing and running or only for running the same.</p> <p><i>OR</i></p> <p>The owner may be allowed to develop the reservation for the same purpose. The Registered Public Educational Institution trust on behalf of owner may be allowed to be develop subject to terms /conditions as prescribed by the Planning Authority.</p> <p><i>OR</i></p> <p>If the area of the Educational Complex reservation is more than 3.00 Hect., then</p> <p>(i) The Commissioner may allow the owner to develop the reservation, subject to handing over to the Planning Authority 50 % independent plot along with 50% constructed amenity of total area free of cost in lieu of construction amenity TDR as per general Regulation no (iii) mention below &amp; as per norms prescribed by Municipal Commissioner.</p> <p>(ii) The Municipal Commissioner, if required, shall allow the TDR for the unutilised FSI if any (after deducting in-situ FSI as mentioned in Sr. No. (ii) above ) which shall be utilised as per the TDR utilisation regulations.</p> <p>(iii) The Planning Authority, if required, shall allow TDR to the owner after deducting in- situ FSI utilized on 50% land mentioned in (ii).</p>

(1)	(2)	(3)
<b>(7) Residential(R)-</b> (a) Public Housing EWS/LIG Housing. (b) High Density Housing. (c) Housing for Dishoused. (d) Public Housing / Housing for Dishoused. (e) Reservation similar as above.	Planning Authority/Appropriate Authority/ Owner.	<p>Planning Authority / Appropriate Authority may acquire the reserved land and develop for the same purpose.</p> <p style="text-align: center;"><i>OR</i></p> <p>(i) The Municipal Commissioner may allow the owner to develop the reservation, subject to handing over of 40% land alongwith 50% built up area of basic FSI constructed tenements of 25 sq.mt. to 30sq.mt. carpet area to the Planning Authority free of cost in lieu of construction amenity TDR as per general Regulation No. (iii) mention below &amp; as per norms prescribed by Municipal Commissioner.</p> <p>(ii) The owner shall be entitled to develop remaining 60 % land for the uses permissible in adjoining zone with full permissible FSI of the entire Plot and permissible TDR potential of the entire Plot.</p> <p>(iii) The Planning Authority, if required, shall allow TDR to the owner after deducting in- situ FSI utilized on 40% land mentioned in (i).</p> <p>(iv) The Planning Authority / Appropriate Authority shall allot such tenement on priority to the persons dispossessed by implementation of Development Plan.</p> <p style="text-align: center;"><i>OR</i></p> <p>The Municipal Commissioner may allow the owner to develop the reservation, subject to—</p> <p>(a) Handing over of 50 % land to Planning Authority, for laying out plots for EWS/LIG, the owner shall thereafter be entitled to develop remaining plot as per the uses permissible in residential zone with permissible FSI of entire plot on remaining plot without taking into account the area handed over to the Planning Authority.</p> <p>The Planning Authority / Appropriate Authority shall prepare layout for EWS/LIG plots and allot such plots on priority to the persons dispossessed by implementation of Development Plan. The Planning Authority may construct EWS/LIG tenements on such land.</p>

(1)	(2)	(3)
(8) <b>Assembly and Institutional—</b> Town Hall, Drama Theatre, Auditorium, Samaj Mandir, Community Hall, Multipurpose Hall etc.	Planning Authority/Appropriate Authority/ Owner.	<p>Owner can select any one option of the above, once the permission for that option is granted and work commenced then he cannot be permitted to shift for other option.</p> <p>(i) The Planning Authority / Appropriate Authority may acquire and develop the site for the same purpose. (ii) The Planning Authority / Appropriate Authority after acquiring the land or after acquiring and developing the same, as the case may be, lease out as per the provisions of the Municipal Corporations Act, to a Registered Public Institution to develop and running or only for running the same.</p> <p style="text-align: center;"><b>OR</b></p> <p>(i) The Commissioner may allow the owner to develop the reservation, subject to handing over to the Planning Authority 50% independent plot along with 50% constructed amenity of total area free of cost in lieu of construction amenity TDR as per general Regulation no (iii) mention below &amp; as per norms prescribed by Municipal Commissioner. (ii) The owner shall be entitled to develop remaining 50 % land for the uses permissible in adjoining zone with full permissible FSI of the entire Plot and permissible TDR potential of the entire Plot. (iii) The Municipal Commissioner, if required, shall allow the TDR for the unutilised FSI if any (after deducting in-situ FSI as mentioned in Sr. No. (ii) above ) which shall be utilised as per the TDR utilisation regulations. (iv) Reservation shall not be allowed to be developed in parts.</p>
(9 ) Reservations of composit nature like Vegetable Market & Shopping Centre, Town Hall & Library, etc.	Planning Authority/Appropriate Authority/ Owner.	<p>(i) The Planning Authority / Appropriate Authority may acquire and develop the site for the same purpose.</p> <p><b>Clarification-</b> For the reservation of composite nature, proposed in Development Plan except Town Hall &amp; Library, area of each user shall be considered equal i.e. 50-50% and such area shall be allowed to</p>

(1)	(2)	(3)
(10) Reservations which are not included in these regulations but are compatible to other similar type of reservation.	Planning Authority/Appropriate Authority/ Owner.	<p>be developed as per the guidelines applicable for such reservation as mentioned in these regulations.</p> <p>For Town Hall &amp; Library, area of Library shall be 10% of area of Town Hall.</p> <p>Planning Authority/ Appropriate Authority may acquire the reserved land and develop for the same purpose.</p> <p><i>OR</i></p> <p>The development permissions for such type of user under this Regulation may be granted by the Municipal Commissioner in consultation with the Divisional Joint Director of Town Planning, subject to verification of compatibility of both the users and allowed to be developed as per the guidelines applicable for such reservation as mentioned in these regulations.</p>
(11) For other buildable reservations shown in Development Plan which are not covered above	Planning Authority/Appropriate Authority Owner.	<p>The Planning Authority / Appropriate Authority may acquire and develop the reservation site for the same purpose.</p> <p><i>OR</i></p> <p>(i) The Commissioner may allow the owner to develop the reservation, subject to handing over to the Planning Authority 40 % independent plot along with 50% constructed amenity of total area free of cost in lieu of construction amenity TDR as per general Regulation No. (iii) mention below &amp; as per norms prescribed by Municipal Commissioner.</p> <p>(ii) The owner shall be entitled to develop remaining 60 % land for the uses permissible in adjoining zone with full permissible FSI of the entire Plot and permissible TDR potential of the entire Plot.</p> <p>(iii) The Municipal Commissioner, if required, shall allow the TDR for the unutilised FSI if any (after deducting in-situ FSI as mentioned in Sr. No. (ii) above ) which shall be utilised as per the TDR utilisation regulations.</p> <p>(iv) Reservation shall be allowed to be developed in parts.</p>

(1)	(2)	(3)
(12) Reservations for the Appropriate Authority other than Municipal Corporation.	Planning Authority/Appropriate Authority/ Owner.	<p>Planning Authority / Appropriate Authority may acquire the reserved land and develop for the same purpose.</p> <p>OR</p> <p>The Municipal Corporation may allow the owner to develop the reservation subject to condition that;</p> <p>(i) Wherever the reservation is to be developed by the Appropriate Authority other than Municipal Corporation, No Objection Certificate from the Appropriate Authority shall be obtained before granting development permission.</p> <p>(ii) The concerned Appropriate Authority (other than the State Government Department) shall deposit cost of construction for the built- up area to be handed over to it, as per Annual Statement of Rates with the Planning Authority. However, the Municipal Commissioner shall handover such constructed area to the State Government / concerned State Government Department free of cost.</p>

**General conditions to allow development under above regulations :—**

(i) If the area of reservation is not adequate to construct independent building as mentioned above OR When it is not possible to handover individual plot along with public amenity, then in such cases Municipal Commissioner may allow composite building on said land subject to condition that the built up area mentioned as above may be allowed to be handed over to the Planning Authority or Appropriate Authority, as the case may be, preferably on ground floor and subject to premium as may be decided by Government from time to time. If ground floor is utilised for parking, then on stilt/first floor with separate entry & exit from public street. In such cases, built-up area along with proportionate undivided share of land shall be handed over to the Planning Authority or Appropriate Authority, as the case may be. In such cases no compensation of proportionate undivided land share shall be permissible.

(ii) In cases where not specifically mentioned in this regulation, if the area under the reservation is owned by more than one owners, then the owner/s may come forward jointly or the owners holding atleast 50% or more area shall be allowed to develop the reservation on such land. It is mandatory for other owners to construct amenity contiguous to the earlier development.

(iii) The owner/developer shall be entitled for construction amenity TDR as per the TDR regulations after handing over the constructed amenity free of cost on the land surrendered to the planning Authority under this Regulation. For specific reservation where construction amenity is not required by the Commissioner, in such cases Municipal Commissioner should not insist for such amenity.

(iv) It shall be obligatory on Planning Authority to make registered agreement with the developer /owner at the time of granting the development permission subject to terms and conditions as it deem fit. Occupancy Certificate shall be issued only after compliance of all terms & conditions and getting possession of the constructed amenity.

(v) The above permissions for development of reservations shall be granted by the Municipal Commissioner as per the norms mentioned in these regulations.

(vi) The area / built-up area to be handed over to the Planning Authority under these Regulations shall be earmarked on the sanctioned building plan clearly mentioning the same, and registered agreement to that effect shall be executed. After completion of construction, the said amenity shall be handed over by executing the deed of transfer in this respect and expenses thereon shall be borne by the owner. The occupation certificate to the construction belonging to owner shall be granted only after handing over said amenity to the Planning Authority. The constructed amenity shall be made available to the general public by the Municipal Commissioner within 3 month from possession as per the condition as Commissioner deem fit.

(vii) In cases, where permission for development under accommodation reservation principle is already granted as per earlier regulations, the same shall continue to be valid till completion of construction.

(viii) Provisions of regulations of inclusive housing, amenity space if any, shall not be applicable for development under this Regulation. Moreover Regulation of required recreational open space shall not be applicable for development of reservation other than Residential purpose as mention at Sr. No 7.

(ix) Not withstanding anything contained in these regulations, there shall be no cap for utilization of available in-situ FSI/and TDR potential of the entire plot on the remaining plot provided that no relaxation in side margin shall be permissible.

(x) Once sanction is granted under this regulation, the owner /developer shall have to complete the development and hand over the developed reservation to Planning Authority within the period as specified by Planning Authority. Thereafter Planning Authority may levy penalty for any delay.

By order and in the name of the Governor of Maharashtra,

SANJAY SAOJI,  
Under Secretary to Government.

**URBAN DEVELOPMENT DEPARTMENT**

Mantralaya, Mumbai 400 032, dated 2nd May 2016

**NOTIFICATION**

**(ADDENDUM)**

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No. TPS. 1813/3067/CR-122/MCORP/12/UD-13.—Whereas, in exercise of the powers conferred by Clause (c) of sub-section (1AA) of section 37 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as the “said Act”) and all other powers enabling in that behalf, the Government of Maharashtra finally sanctioned the “*Transferable Development Rights*” regulations as mentioned in Annexure-B (hereinafter referred to as “the said final TDR regulations”) in respect of Municipal Corporations as mentioned in Annexure-A of the notification No. TPS -1813/3067/CR- 122/MCORP/12/UD-13, dated 28th January 2016 which is published in Maharashtra Government Gazette dated 29th January 2016 (hereinafter referred to as “the said notification”) ;

And whereas, various representations from Commissioners of Corporations, Stake holders, Architect, Developers, Organizations etc. are received on the said final TDR regulations requesting to review some of the provisions like utilisation of earlier generated TDR, utilisation of TDR on road width and plot sizes, TDR allowed to be utilised on road width less than 9.00 mt. etc. ;

And whereas after considering the various representations and in larger public interest, the Government of Maharashtra is of the opinion that some of these provisions from the said final TDR regulations shall be clarified or amended for smooth implementation of the said regulations and the Government found it expedient in the public interest to take recourse of the section 154 of the said Act, to issue addendum to the said Notification ;

Now therefore, in exercise of the powers conferred by section 154(1) of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) and all other powers enabling in that behalf, the Govt. of Maharashtra hereby accordingly amend the said notification No. TPS. 1813/3067/CR-122/MCORP/12/UD-13, dated 28th January 2016 by issuing Addendum to the said notification as mentioned in Annexure-B attached here with ;

2. The provisions of this Addendum along with provisions of the earlier “said notification” shall have effect from the date of publication of earlier “said notification” in the *Maharashtra Government Gazette*, i.e. from dated 29th January 2016.

3. This addendum shall be kept open for inspection to the general public in the following offices for the above period on all working days :—

- (i) Office of the Director of Town Planning, M. S. Central Building, Pune;
- (ii) Office of the Joint Director of Town Planning, Pune, Nashik, Nagpur, Aurangabad, Amravati Division;
- (iii) Commissioner Municipal Corporation.

This notice shall also be made available on the Government website [www.maharashtra.gov.in](http://www.maharashtra.gov.in) (कायदे/नियम).

## ANNEXURE—B

**Regulation No.** Addendum issued under section 154 of the M. R. And T. P. Act, 1966 to the TDR Regulation (Annexure-B) sanctioned vide Government Notification No. TPS. 1813/3067/CR-122/MCORP/12/UD-13, dated 28th January 2016.

**3.0 (iv)** The following sentence is added before sub regulation (iv) of Regulation No. 3 :—

3.0 (iv)—In cases where layout is submitted along with proposed Development Plan Road, in such cases TDR shall not be permissible for the width of road that would be necessary according to the length as per Development Control Regulations;

**4.1.1** In the Second proviso of Regulation No. 4.1.1 the word “and 4” is deleted from the last sentence.

**4.1.2** In the Regulation No. 4.1.2, following proviso is added :—  
Provided further that such construction/erection of compound wall/fencing shall not be necessary for area under Development Plan roads. In such cases TDR equivalent to entitlement as mentioned in regulation No. 4.1.1 shall be granted without any reduction.

**5.4.1** Column No. 3 and 4 of the Table in the Regulation No. 5.4.1 is deleted. Column No. 5 is renumber as Column No.3. With this amendment the Table in the Regulation No. 5.4.1 is amended as shown below :—

Sr. No.	Plots Fronting on Road width	Maximum permissible TDR Loading
(1)	(2)	(3)
1	9mt and above but less than 12	0.40
2	12mt and above but less than 18	0.65
3	18mt and above but less than 24	0.90
4	24mt and above but less than 30	1.15
5	30 mt. and Above	1.40

**5.4.1 Note (i)** The note (i) of Regulation No. 5.4.1 is amended as follow :—

Column No. 3 shows the maximum permissible TDR that can be utilised on any plot. Provided that specific area based restriction where TDR utilisation is not permissible by earlier Regulations shall remain in force except for Gaothan/Congested areas.

Provided also that, the above utilisation of TDR would be available to an existing road width of 9 mt and above so marked under the relevant Municipal Corporation Act.

**5.4.1 Note (ii)** In the note (ii) of Regulation No. 5.4.1, the following word is added at the end of note after the word “if any”

FSI loading limit on such plot (Maximum Building potential) shall be the basic FSI + TDR + Additional FSI on payment of premium if any+ Road widening FSI of the very said plot if any.



However the Municipal Commissioner shall not grant any relaxation due to such allowable loading potential unless he himself satisfied that there is **constraint on development**.

**5.4.2** In the Regulation No. 5.4.2 after the word “Metro Influence Zone” the word **BRTs, TODs** is added :

Provided that, the restrictions of total maximum permissible built up area in terms of FSI with respect to road width mentioned above shall not be applicable in cases where, the permissible FSI is more than the basic FSI in various schemes, like Slum Rehabilitation Scheme, Redevelopment of cess buildings, redevelopment of dangerous buildings, Urban Renewal Scheme, Redevelopment of MHADA buildings/Colonies, Metro Influence Zone, **BRTs, TODs** etc. where specific provisions which are sanctioned by the Government shall apply.

**8 (a)** In the **Regulation No. 8(a)**, the sentence “However Utilization of such TDR shall be allowed as per these regulations only” is replaced with—

**“However DRCs issued under the old Regulations shall be allowed to be utilised as per TDR zones of old Regulations without indexation but subject to all other conditions of these Regulations. Such utilisation shall be allowed for one year only :**

**Provided also that old TDR purchased for utilisation on a specific plot with registered documents of sale and/or specific proposal for utilisation of such TDR pending in the ULBs prior to these regulations shall be allowed completely as per the old regulations”.**

By order and in the name of the Governor of Maharashtra,

SANJAY SAOJI,  
Under Secretary to Government.

**URBAN DEVELOPMENT DEPARTMENT**

Mantralaya, Mumbai 400 032, dated 2nd May 2016

**NOTIFICATION****(ADDENDUM)**

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No. TPS. 1813/3067/CR-122/MCORP/Kokan Div./12/UD-13.—Whereas, in exercise of the powers conferred by Clause (c) of sub-section (1AA) of section 37 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as the “said Act”) and all other powers enabling in that behalf, the Government of Maharashtra finally sanctioned the “**Transferable Development Rights**” regulations as mentioned in **Annexure-B** (hereinafter referred to as “the said final TDR regulations”) in respect of **Municipal Corporations as mentioned in Annexure-A** of the notification No. **TPS. 1813/3067/CR-122/MCORP/Kokan Div./12/UD-13**, dated 29th January 2016 which is published in *Maharashtra Government Gazette*, dated 30th January 2016 (hereinafter referred to as “the said notification”);

And whereas, various representations from Commissioners of Corporations, Stake holders, Architect, Developers, Organizations are received on the said final TDR regulations requesting to review some of the provisions like utilisation of earlier generated TDR, utilisation of TDR on road width and plot sizes, TDR allowed to be utilised on road width less than 9.00 mt. etc. ;

And whereas, after considering the various representations and in larger public interest, the Government of Maharashtra is of the opinion that some of these provisions from the said final TDR regulations shall be clarified or amended for smooth implementation of the said regulations and the Government found it expedient in the public interest to take recourse of the section 154 of the said Act, to issue addendum to the said Notification ;

Now therefore, **in exercise of the powers conferred by section 154(1) of the Maharashtra Regional and Town Planning Act, 1966** (Mah. XXXVII of 1966) and all other powers enabling in that behalf, the Government of Maharashtra hereby accordingly amend the said notification **TPS. 1813/3067/CR-122/MCORP/Kokan Div./12/UD-13**, dated 29th January 2016 by issuing **Addendum** to “the said notification” as mentioned in **Annexure-B** attached here with ;

2. The provisions of this Addendum along with the others provisions of the said notification shall have effect from the date of publication of earlier “the said notification” in the *Maharashtra Government Gazette*, i.e. from dated 30th January 2016.

3. This addendum shall be kept open for inspection to the general public in the following offices for the above period on all working days :—

- (i) Office of the Director of Town Planning, M. S. Central Building, Pune;
- (ii) Office of the Joint Director of Town Planning, Kokan Division;
- (iii) Commissioner Municipal Corporation.

This notice shall also be made available on the Government website [www.maharashtra.gov.in](http://www.maharashtra.gov.in) (कायदे/नियम).

ANNEXURE—B

**Regulation No.** Addendum issued under section 154 of the M. R. And T. P. Act, 1966 to the TDR Regulation (Annexure-B) sanctioned *vide* Government Notification No. TPS. 1813/3067/CR-122/MCORP/Kokan Div./12/UD-13, dated 29th January 2016.

**3.0 (iv)** The following sentence is added before sub regulation (iv) of Regulation No. 3 :—

3.0 (iv)—**In cases where layout is submitted along with proposed Development Plan Road, in such cases TDR shall not be permissible** for the width of road that would be necessary according to the length as per Development Control Regulations;

**4.1.1** In the Second proviso of Regulation No. 4.1.1 the word “**and 4**” is deleted from the last sentence.

**4.1.2** In the Regulation No. 4.1.2, following proviso is added :—

**Provided further that such construction/erection of compound wall/fencing shall not be necessary for area under Development Plan roads. In such cases TDR equivalent to entitlement as mentioned in regulation No. 4.1.1 shall be granted without any reduction.**

**5.4.1** Column No. 3 and 4 of the Table in the Regulation No. 5.4.1 is **deleted**. Column No. 5 is renumber as **Column No. 3**. With this amendment the Table in the Regulation No. 5.4.1 is amended as shown below :—

Sr. No.	Plots Fronting on Road width	Maximum permissible TDR Loading
(1)	(2)	(3)
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4	24mt and above but less than 30	1.15
5	<b>30 mt. and Above</b>	1.40

**5.4.1** The **note (i)** of Regulation No. 5.4.1 is amended as follow :—

**Note (i)** Column No. 3 shows the maximum permissible TDR that can be utilised on any plot. Provided that specific area based restriction **where TDR utilisation is not permissible by earlier Regulations shall remain in force except for Gaothan/Congested areas :**

**Provided also that, the above utilisation of TDR would be available to an existing road width of 9 mt and above so marked under the relevant Municipal Corporation Act.**

**5.4.1 Note (ii)** In the **note (ii) of Regulation No. 5.4.1**, the following word is added at the end of note after the word “if any”

FSI loading limit on such plot (Maximum Building potential) shall be the basic FSI + TDR + Additional FSI on payment of premium if any + **Road widening FSI of the very said plot if any.**

**However the Municipal Commissioner shall not grant any relaxation due to such allowable loading potential unless he himself satisfied that there is constraint on development.**

**5.4.2** In the Regulation No. 5.4.2 after the word Metro Influence Zone the word **BRTs, TODs** is added.

5.4.2—Provided that, the restrictions of total maximum permissible built up area in terms of FSI with respect to road width mentioned above shall not be applicable in cases where, the permissible FSI is more than the basic FSI in various schemes, like Slum Rehabilitation Scheme, Redevelopment of cess buildings, redevelopment of dangerous buildings, Urban Renewal Scheme, Redevelopment of MHADA buildings/Colonies, Metro Influence Zone, **BRTs, TODs** etc. where specific provisions which are sanctioned by the Government shall apply.

**8 (a)** In the **Regulation No. 8(a)**, the sentence “However Utilization of such TDR shall be allowed as per these regulations only” is replaced with—

**“However DRCs issued under the old Regulations shall be allowed to be utilised as per TDR zones of old Regulations without indexation but subject to all other conditions of these Regulations. Such utilisation shall be allowed for one year only :**

**Provided also that old TDR purchased for utilisation on a specific plot with registered documents of sale and/or specific proposal for utilisation of such TDR pending in the ULBs prior to these regulations shall be allowed completely as per the old regulations”.**

By order and in the name of the Governor of Maharashtra,

SANJAY SAOJI,  
Under Secretary to Government.